

## REMARKS

Claims 4-10 are pending in the present application. Claims 4-6 were amended in this response, and new claims 7-10 were added. No new matter has been introduced as a result of the amendments. Favorable reconsideration is respectfully requested.

Applicants note that the Office Action recited claims 1-3 as pending in the application, however, on December 21, 2001, a Preliminary Amendment was filed that canceled claims 1-3, and added claims 4-6. For purposes of the rejection under 35 U.S.C. §102(b), the arguments provided below will be addressed in light of claims 4-6.

Claims 1 and 2 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to point out and distinctly claim the subject matter which applicant regards as the invention. In light of the aforementioned Preliminary Amendment, applicant submits that these issues have been resolved. Withdrawal of the rejection is respectfully requested.

Claims 4-6 were rejected under 35 U.S.C. §102(b) as being anticipated by *A.S. Tannenbaum* "Computer Networks" (Prentice-Hall, 1996). Applicants respectfully traverse this rejection. Favorable reconsideration is requested.

Specifically, *Tannenbaum* does not teach "a part for determining, based on protocol information which is contained in a control message received by the protocol device, whether the control message contains information that is newer than a current information state in the protocol device; and a part for updating, if necessary, the information state based on the determination" as recited in claim 4. *Tannenbaum* discloses a transmission protocol (pgs. 203-204) where control information is embedded and concurrently sent along with user data information. As the user information data is provided with sequential numbering, *Tannenbaum* keeps track of updates to the control information simply by relying on the numbering of the user data messages (page 203). The present claims however, recite separate control messages, where a current state of the protocol device is determined through protocol information of a control message, and not through sequential numbering of user data messages.

In light of the above remarks, Applicant submit that claims 4-10 are in condition for allowance and request that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

BELL, BOYD & LLOYD LLC

BY

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